

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JULIE DALESSIO, an individual,

Case No. 2:17-cv-00642 MJP

Plaintiff,

Plaintiff's Objections to Defendant's
Notice of Intent to call Witnesses

v.
UNIVERSITY OF WASHINGTON,

Filed November 8, 2017

Defendant.

Pursuant to Federal Rules of Civil Procedure (FRCP) 26, Plaintiff files and serves
these Objections to Defendant's (UW) Notice of Intent to call Witnesses.

Plaintiff objects to the UW's reservation of rights "consistent with KCLR
26(c)" (*Attachment 1, Defendant's Disclosure of Primary Witnesses, p. 1 line 18*).

A. Plaintiff objects to Defendant's (UW's) disclosure of primary witnesses, identified as
"LAY WITNESSES (INCLUDING THOSE WITH EXPERT TESTIMONY)" (*Attachment 1,
p. 1 line 20*). The deadline for disclosure of expert testimony was September 27, 2017. UW
has not identified any expert witnesses nor provided any reports regarding expert testimony,
thus any expert testimony from the identified witnesses should be excluded. (*FRCP 26(a)(2)*)

1
2 1. Plaintiff has not filed any list of witnesses in this case as misrepresented by UW,
3 (*Attachment 1, p. 1 line 21*). Plaintiff's initial disclosures identify "individuals likely to have
4 discoverable information." (*FRCP 26(a)(1)*) UW does not have the right to call any
5 witnesses or present testimony from any persons not identified in the parties' witness lists.
6 (*LCR 16(h),(i)*)
7
8

9 **Regarding UW's named witnesses** (*Attachment 1, p. 2-3*):
10
11 #3. Plaintiff objects to any testimony from Atty. David Betz regarding his adverse
12 possession lawsuit against Ms. Dalessio (*FRE 402, 403*). Plaintiff also objects to any
13 testimony from David Betz regarding his 2015 public records request. This fact is
14 documented in the public records and is undisputed by the parties. (*FRE 403*)
15
16

17 #4. Plaintiff objects to any testimony from Perry Tapper that is offered as expert
18 testimony, as he has not been identified as such. (*FRCP 26(a)(2)*) The official policies of the
19 University of Washington's Public Records Office are matters of public record, available at
20 the University's website. Plaintiff objects to any opinion testimony based on specialized
21 knowledge (*FRE 701(c)*), but has no objection to testimony regarding personal knowledge of
22 the actual practices and operations of the Defendant if the witness is identified with sufficient
evidence regarding his knowledge and qualifications. (*FRE 602*)

1 #5. Plaintiff objects to any testimony from Eliza Saunders that is offered as expert
2 testimony, as she has not been identified as such. (*FRCP 26(a)(2)*) The official policies of
3 the University of Washington's Public Records Office are matters of public record, available
4 at the University's website. Plaintiff objects to any opinion testimony based on specialized
5 knowledge (*FRE 701(c)*), but has no objection to testimony regarding personal knowledge of
6 the actual practices and operations of the Defendant if the witness is identified with sufficient
7 evidence regarding her knowledge and qualifications. (*FRE 602*)
8
9

10 #6. Plaintiff objects to any testimony from Barb Benson that is offered as expert
11 testimony, as she has not been identified as such. (*FRCP 26(a)(2)*) The official records
12 retention policies at the University of Washington are matters of public record, available at
13 the University's website. Plaintiff objects to any opinion testimony based on specialized
14 knowledge (*FRE 701(c)*), but has no objection to testimony regarding personal knowledge of
15 the actual practices and operations of the Defendant if the witness is identified with sufficient
16 evidence regarding her knowledge and qualifications. (*FRE 602*)
17
18

19 #7. Plaintiff objects to any testimony from "Milla" (Ludmila) Barbacar regarding her
20 complaint filed with the Washington State Human Rights Commission. Plaintiff's complaint
21 is confidential. (*FRE 502 and Title VII of the Civil Rights Act, SEC. 2000e-5. [Section*
22 *706(c)]*, *RCW 42.40*) Plaintiff objects to any expert or opinion testimony. (*FRE 701*) If the

1 UW refuses to admit the relevant facts regarding the dates of filing and denial of Plaintiff's
2 complaint, and/or that Plaintiff has satisfied all exhaustion requirements prior to filing this
3 lawsuit, then Plaintiff has no objection to Ms. Barbacar's testimony regarding these facts.
4

5 Plaintiff objects to UW's reservation of "the right to solicit expert opinions from the
6 above-listed witnesses" (*Attachment 1, P. 4 line 5*).
7

8 Plaintiff reserves the right to call any witnesses identified by the UW in the attached
9 DISCLOSURE OF PRIMARY WITNESSES.
10

11 Dated: November 8, 2017
12

13 Signed: s/ julie dalessio
14

15 Julie Dalessio
1110 29th Ave.
16 Seattle, WA 98122
17

18 206 324 2590
19 juliedalessio@msn.com
20
21
22